IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 12199 of 2007

Date of Decision: 4.10.2007

Krishan Kumar

....Petitioner.

Versus

Indian Bank and another

...Respondents.

CORAM:- HON'BLE MR. JUSTICE M.M. KUMAR.

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.

PRESENT: Mr. N.K.Verma, Advocate for the petitioner.

Mr. Alok Jagga, Advocate for the respondents.

M.M. KUMAR, J.

On 9.8.2007, learned counsel for the petitioner after obtaining instructions from the petitioner who was present in Court, had stated that Rs.1 lac 'shall be deposited on or before 31.8.2007'. Accordingly, we had issued notice of motion for 10.9.2007 which was subject to the payment of amount as undertaken and the auction in pursuance to the notice dated 13.7.2007 (P-3) in respect of the property in dispute was stayed.

Mr. Alok Jagga, learned counsel for the respondents has stated that the auction has taken place on 13.8.2007 and the petitioner has failed to deposit the amount of Rs.1 lac as was undertaken by him.

Mr. N.K.Verma, learned counsel for the petitioner has pleaded no instructions by stating that the petitioner has not contacted him.

In view of the above, we do not wish to entertain the petition because the petitioner has violated the undertaking as given to this Court on 9.8.2007. He has disentitled himself from hearing of the petition on merits.

Accordingly, the writ petition fails and the same is hereby dismissed.

(M.M.KUMAR)
JUDGE

October 4, 2007
gbs

(AJAY KUMAR MITTAL)
JUDGE